

AMENDED IN SENATE MAY 9, 2005  
AMENDED IN SENATE APRIL 14, 2005

**SENATE BILL**

**No. 914**

**Introduced by Senator Kehoe**  
(Coauthor: Assembly Member Wyland)

February 22, 2005

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An act to add Section 597z to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Kehoe. Animal cruelty.

Existing law makes it a crime to engage in animal cruelty, as specified.

This bill would provide that, except as otherwise authorized under any other provision of law, it ~~is~~ *shall be an infraction or a misdemeanor, punishable as specified*, for any person, other than an organization that provides services as a public animal sheltering agency or specified pet dealers or rescue groups, to sell ~~any dog~~ *one or more dogs* under 8 weeks of age, unless that sale is approved by a licensed veterinarian. *The bill would provide that with respect to the sale of 2 or more dogs in violation of this provision, each dog unlawfully sold shall represent a separate offense under the provision.* By creating a new crime, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 597z is added to the Penal Code, to  
2 read:

3 597z. (a) Except as otherwise authorized under any other  
4 provision of law, it shall be a ~~misdemeanor, punishable by a fine~~  
5 ~~not to exceed one thousand dollars (\$1,000)~~ *crime, punishable as*  
6 *specified in subdivision (b)*, for any person to sell ~~any dog~~ *one or*  
7 *more dogs* under eight weeks of age, unless that sale is approved  
8 by a veterinarian licensed to practice in California as evidenced  
9 by written documentation.

10 (b) *Any person who violates this section shall be punished as*  
11 *follows:*

12 (1) *A first offense shall be an infraction punishable by a fine of*  
13 *one hundred twenty-five dollars (\$125).*

14 (2) *A second offense shall be an infraction punishable by a*  
15 *fine of two hundred fifty dollars (\$250).*

16 (3) *A third or subsequent offense shall be a misdemeanor.*

17 (c) *With respect to the sale of two or more dogs in violation of*  
18 *this section, each dog unlawfully sold shall represent a separate*  
19 *offense under this section.*

20 (d) This section shall not apply to any of the following:

21 (1) An organization, as defined in Section 501(c)(3) of the  
22 Internal Revenue Code, or any other organization that provides,  
23 or contracts to provide, services as a public animal sheltering  
24 agency.

25 (2) A pet dealer as defined under Article 2 (commencing with  
26 Section 122125) of Chapter 5 of Part 6 of Division 105 of the  
27 Health and Safety Code.

28 (3) A public animal control agency or shelter, society for the  
29 prevention of cruelty to animals shelter, humane society shelter,  
30 or rescue group regulated under Division 14 (commencing with  
31 Section 30501) of the Food and Agricultural Code.

32 SEC. 2. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the  
2 penalty for a crime or infraction, within the meaning of Section  
3 17556 of the Government Code, or changes the definition of a  
4 crime within the meaning of Section 6 of Article XIII B of the  
5 California Constitution.

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